

February 3, 1977

Major Wheelock, Superintendent
New Hampshire Hospital
105 Pleasant Street
Concord, New Hampshire 03301

Dear Mr. Wheelock:

On February 2, 1977, you requested our opinion on the present legal status of the New Hampshire Hospital's authorization to renovate Brown Building.

By Chapter 38, Laws of 1974, the General Court appropriated a total of \$1,541,900 for renovation, reconstruction and equipment for the State Hospital. Of that sum, \$300,000 was earmarked for design and engineering of renovations to Tobey, Thayer, Brown and Walker Buildings. Since 1974, designs for the renovation of all four buildings have been obtained and renovations have been completed on Tobey and commenced on Thayer. Although designs for Walker's reconstruction have also been obtained, you have informed us that the acquisition and renovation of the Pleasant View Home at a total cost of \$2,600,000 has obviated the need for continuation of that project. In addition, we understand that plans are presently being developed for the demolition of Walker Building and the use of that site for a new forensic unit.

During the 1976 Special Session, the General Court followed up its 1974 appropriation for design and engineering studies with an appropriation of \$2,800,000 for the reconstruction, renovation and equipping of Brown Building to meet life safety code and environmental requirements. On June 11, 1976, the Comptroller officially notified Health and Welfare Commissioner Robert Whalen that the aforementioned sum had been credited to the Hospital's account, and, as a result, since that date, you have been authorized to seek bids for a contract for the renovation of Brown Building. It is our understanding that the Hospital's sole reason

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for not doing so as yet is that renovation and reconstruction work in other buildings has not reached a stage at which the present residents of Brown Building could be transferred in order to permit access by a contractor. You have advised us that you anticipate that those residents will be moved in August or early autumn of this year and that you plan to request bids for this work in early summer.

The two succeeding appropriations totalling over \$3,000,000 for the specific purpose of planning and renovation of Brown Building evidence a clear legislative intention that this work be carried out. The Legislature could only revoke its authorization for this project by a subsequent enactment, and although the General Court is presently in session, we are not aware of any proposal to repeal that appropriation. We have discussed this matter with Governor Thomson, as well, and he has authorized us to say that he sees no reason why this appropriation will not be spent for the use and on the schedule presently planned.

It is, therefore, our opinion that there is no reason to doubt that the planned renovation, reconstruction, and equipping of Brown Building will proceed as planned and be completed within the next year.

Yours sincerely,

David H. Souter
Attorney General

Richard V. Wiebusch
Assistant Attorney General

RWW/smg

cc: Commissioner Robert Whalen
His Excellency, Meldrim Thomson, Jr.